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A SOCIO-LEGAL APPROACH TO INTERNATIONAL LAW WING-TAT LEE CHAIR INDUCTION

Gregory C. Shaffer[†]

I want to take just a few minutes to talk about my vision of our new Wing-Tat Lee program's place in the broader Chicago community and to introduce our speaker who helps us launch this initiative today and who spent many years in this community. Our collective strength is that we have so many leading institutions here with outstanding faculty and researchers engaged in international law, politics, and social issues. These issues should not and cannot be addressed meaningfully in disciplinary isolation. In the inevitable competition between our schools and disciplines, we make each other better. In our collaborations, we build from and with each other. I deeply look forward to being part of a larger multi-disciplinary law and policy community in Chicago with its wealth of institutions, including Northwestern University, University of Chicago, DePaul University, Chicago-Kent College of Law, John Marshall Law School, and our neighbors the American Bar Foundation, and the Chicago Council on Global Affairs, from each of which I see friends and colleagues here today. From our different vantages, we are each addressing the difficult and volatile transnational political and socio-legal issues that confront us. In today's program, you can see a speaker series entitled *Transnational Transformations of the State*, which is made possible through this chair.¹ As you see, we are bringing speakers from abroad, from around the country, and from our fellow institutions in Chicago. This will be an annual program linking the global, national, and local in which I invite you to participate.

Chicago is a global city, a central node in an economically and culturally globalizing world. We have access here to professionals working at the highest level on many of these issues, in law, business, medicine, social services and politics. In our efforts to build broader awareness of the complexities and dynamics of the world in which we live, we have much to learn from these professionals. This Thursday, for example, thanks to Margaret Moses and our friends at Jenner & Bloch, we will be visited by the former Chairman of the International Chamber of Commerce in Paris, and the former President of the Iran-U.S. Claims Tribunal. But let us not take for granted our cosmopolitan privileges. Let us rather work to have the voices of those marginalized, here and abroad, heard in our media and by those making decisions at high levels. It is the marginalized who most dramatically feel policy decisions' (and non-decisions') effects.

[†] Wing-Tat Lee Chair of International and Comparative Law, Loyola University Chicago School of Law. These remarks were made by Professor Shaffer at his induction ceremony as Loyola's international endowed chair on Sept. 11, 2006.

¹ See research program description at http://www.luc.edu/law/faculty/docs/shaffer/transnatl_transstate.pdf.

A Socio-Legal Approach to International Law

Today, September 11, is a dreadful and momentous day. Political conflicts and violence are intensifying around the globe. Grave political challenges call into question *the role and value of law*. What will be our response? What can we learn from our past? What role can law-related scholarship play in informing us of the contexts in which our law and policy decisions will play out? With this knowledge, what are our options, their tradeoffs and likely consequences? How will international economic law affect our and others' livelihoods? What should be our domestic response? How will transnational security concerns affect our and others' liberties and lives?

I am profoundly honored to have my friend and colleague, Bryant Garth, speak to us. Over his career, Bryant Garth has combined the most probing scholarship with great institutional leadership. He is currently Dean of Southwestern Law School, was formerly Dean of Indiana University School of Law, and between those posts was Director of the American Bar Foundation for fourteen years, the most important center in this country for the empirical study of lawyers and law. Bryant has written more than sixteen books and seventy-five articles, many of which are classics in their fields. Of particular importance to me are his books *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order*; and *The Internationalization of Palace Wars: Lawyers, Economists and the Contest to Transform Latin American States*.

I now see, in retrospect, and unwittingly, I seem to have tried to follow some of Bryant's footsteps. We both went to Stanford Law School, after which we went to Europe. Bryant received a PhD at the European University Institute in Florence, an institution which I have visited frequently over the past ten years, and with which I will be affiliated next spring as a research fellow. I got to know Bryant because I also took an empirical turn in my scholarship, interviewing officials, lawyers, and lobbyists in Washington and from around the world, and in doing so, learning the institutional dynamics in which law is made and operates. But long before me, rather than simply make brilliant, normative pronouncements of what international law should do, based on little to no empirical grounding regarding social context and power dynamics, Bryant has traveled the globe to interview government officials, lawyers, and other professionals as to how legal systems actually operate, what is their relationship to structures of power, and what factors explain the transformation of these systems over time. If we wish to advance democracy and the rule of law abroad (and here), *that's* a good place to start. Bryant's work provides for a much more nuanced understanding of law's place in the world, which (in my view) is of much greater importance to scholarship and policy than ideal-type global legal prescription (to borrow from the title of another of Bryant's books). It is likewise much more important to our students who soon must leave the world of abstract legal study and enter the world of legal practice.

Thank you Bryant for coming here to provide us with your thoughts on this grave date, in your talk *Rebuilding International Law after the 9/11 Attack*.